

FOCUSED. RESPONSIVE. EXPERIENCED.

ENVIRONMENTAL LAW GROUP

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Environmental Enforcement Actions and Litigation

It is never a good day when a company receives a notice of violation, a notice of intent to sue from a state or federal agency, or notice of a “private attorney general” lawsuit under a citizens’ suit statute. The primary goal is to avoid such a day, but when it happens, ELG attorneys know what to do to resolve issues consistent with our clients’ overall objectives.

From federal enforcement actions involving multi-state networks of facilities to alleged violations of a local government’s environmental ordinances, ELG attorneys represent commercial, industrial, and governmental clients in a wide range of environmental enforcement actions and litigation across the country.

THOSE ACTIONS INCLUDE:

- » Civil actions brought in federal or state court by governmental regulatory authorities or by third-parties in the form of citizens’ suits
- » Administrative actions initiated by federal, state or local governments alleging violations of environmental statutes, regulations or ordinances, including administrative orders or complaints, stipulation agreements, notices of violation and compliance schedules

REGARDLESS OF THE TYPE OF ENFORCEMENT ACTION OR LITIGATION, WE ASSIST CLIENTS BY:

- » Developing and implementing defense strategies
- » Training and advising clients on preparing for governmental inspections
- » Assisting in the response to requests for information, to notices of alleged violations, or to the initiation of a civil action
- » Representing clients in the courtroom, before administrative tribunals, or in meetings with governmental officials to address and resolve the alleged violations
- » Offering advice and guidance on how to return to compliance, when necessary
- » Crafting innovative solutions to resolve current potential non-compliance issues and to maintain compliance into the future
- » When appropriate, proactively communicating issues with regulators and seeking formal or informal resolutions
- » Establishing or furthering positive working relationships between clients and regulators or third parties as a basis for future interactions

THE FOLLOWING ARE JUST SOME OF THE VIOLATIONS ALLEGED IN RECENT ENFORCEMENT ACTIONS OR LITIGATION AGAINST OUR CLIENTS THAT WE HELPED TO RESOLVE:

- » Failing to obtain New Source Review (NSR) permits prior to construction and operation of a painting facility and prior to operation of a modular paint booth at an existing facility
- » Failing to obtain a state air quality permit following increased production and emission levels at a manufacturing facility
- » Partially filling and altering the stream flow of creek without a section 404 permit under the Clean Water Act
- » Violating Clean Air Act Title V permit emission limits, compliance testing or other permit requirements
- » Violating state ambient air quality standards
- » Discharging contaminants in excess of National Pollutant Discharge Elimination System (NPDES) permit limits or failing to meet permit milestones to reduce pollutant discharge levels
- » Failing to file required EPCRA reports and notices
- » Failing to report spills or unauthorized discharges in a timely manner
- » Improperly storing, maintaining, and transporting hazardous materials without the requisite permits or manifests
- » Failing to comply with USEPA PCB requirements
- » Failing to permit VOC emissions in an industrial sector with previously unaccounted for emissions and establishing a nationwide compliance program relating to this issue
- » Failing to obtain proper NSR permits for multiple historic projects



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